



image

1 AE  
\$ 1600

Application No. 10/073,446  
Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Notice of Appeal Dated November 11, 2003  
In Reply to USPTO Office Action Dated August 11, 2003  
Confirmation No. 4487  
Attorney Docket No. 3139-011867

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/073,446  
Applicant : Andrew R. Jamieson  
Filed : February 11, 2002  
Title : "Strawberry Variety Named 'Cabot'"  
Group Art Unit : 1661  
Examiner : Michelle R. Kizilkaya

MAIL STOP AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences  
from the decision dated August 11, 2003 of the Primary Examiner finally rejecting claim 1.  
A supporting Appeal Brief will be filed in due course.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as First Class Mail in an envelope addressed  
to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-  
1450 on November 11, 2003.

Theresa Ulinski

(Typed name of person mailing paper)

*Theresa Ulinski*

11/11/2003

11/19/2003 AWONDAF1 00000133 10073446

01 FC:1401

330.00 OP

{W0090311.1}

Application No. 10/073,446  
Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Notice of Appeal Dated November 11, 2003  
In Reply to USPTO Office Action Dated August 11, 2003  
Confirmation No. 4487  
Attorney Docket No. 3139-011867

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$330.00 is enclosed herewith to cover the cost of filing the Notice of Appeal. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By Patricia A. Olosky  
Patricia A. Olosky  
Registration No. 53,411  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: 412-471-8815  
Facsimile: 412-471-4094  
E-mail: webblaw@webblaw.com



Attorney's Docket No. 3139-011867

**NOTICE OF APPEAL TRANSMITTAL LETTER**

**MAIL STOP AF**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Serial No.: 10/073,446  
Examiner: Michelle R. Kizilkaya  
Invention: "Strawberry Variety Named 'Cabot'"

Filing Date: February 11, 2002  
Group Art Unit: 1661

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small Entity Status is/has been asserted for this application under 37 CFR 1.27.  
☐ A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.  
☐ No additional fee is required.  
☒ The fee has been calculated as shown below:

No of Claims After Amendment	Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total <u>1</u>	<u>20</u>	<u>0</u>	x \$ 9.00	x \$ 18.00	\$ <u>N/A</u>
Indep. <u>1</u>	<u>3</u>	<u>0</u>	x \$ 42.00	x \$ 84.00	\$ <u>N/A</u>
First Presentation of Multiple Dependent Claim/s			+ \$140.00	+ \$280.00	\$ <u>N/A</u>
TOTAL ADDITIONAL FEE					\$ <u>N/A</u>

- ☒ A check in the amount of \$330.00 is enclosed to cover the filing fee for the Appeal Brief.  
☐ A check in the amount of \$        is enclosed for a one-month Petition for Extension of Time.  
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.  
☒ Any additional filing fees required under 37 CFR 1.16.  
☒ Any patent application processing fees under 37 CFR 1.17.

November 11, 2003  
Date

By Patricia A. Olosky  
Patricia A. Olosky  
Registration No. 53,411  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on November 11, 2003.

Theresa Ulinski  
(Typed name of person depositing mail)  
Theresa Ulinski 11/11/2003  
Signature Date